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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,873	08/21/2001	Akihiko Sugukawa	213133US2SRD	6798
22850	7590	09/11/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/932,873

Applicant(s)

SUGUKAWA ET AL.

Examiner

Olisa Anwah

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2614

**DETAILED ACTION**

***Claim Objections***

1. Claim 20 is objected to because of the following informalities: It is not clear as to whether the short distance wireless communication device at line 14 refers to the short distance wireless communication at line 9 or the short distance wireless communication device at line 4. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 20 is rejected under 35 U.S.C § 103(a) as being unpatentable over Beach, European Patent Application No. 0,856,812 (hereinafter Beach) in view of McGregor et al, U.S. Patent Application Publication No. 2003/0100290 (hereinafter McGregor).

Art Unit: 2614

Regarding claim 20, Beach discloses a cash register apparatus (see self-scanning systems from column 9) configured to exchange information with communication terminals (see units 12A-E from Figure 1) each of which equips a short distance wireless communication device (see wireless radio from column 6), and provide predetermined services to users (see terminal user from the abstract) who carry the communication terminals, the apparatus comprising:

- a register mechanism (see unit 170 from Figure 4);

- a bar code reader (see unit 170 from Figure 4) configured to read a bar code of a product;

- a register controller (see unit 170 from Figure 4) configured to control the register mechanism to perform a register processing with respect to the bar code of the product;

- a short distance wireless communication device;

- an information exchange device (see multi-access point from column 9) configured to,

- control the short distance wireless communication device so as to,

- establish a short distance wireless communication path (see wireless communication network from column 9) with the communication terminal;

Art Unit: 2614

initiate an information (see data from column 8) exchange with the communication terminal based on a communication between the short distance wireless communication devices using the established short distance wireless communication path.

Although Beach mentions verifying information via image capture (see column 11), Beach fails to teach an imaging device configured to acquire a predetermined image of one of the communication terminals; wherein the information exchange device is configured to process the acquired image and generate identification information, which identifies one of the communication terminal among others. Nonetheless, McGregor discloses these features (see paragraph 0097 and Figure 9). And so, it would have obvious to one of ordinary skill in the art at the time the invention was made to modify Beach with the bar code scanner and bar code label of McGregor. This modification would have improved the efficiency of Beach's retail system by allowing rapid entry of data as suggested by McGregor (see paragraph 0097).

4. Claim 21 is rejected under 35 U.S.C § 103(a) as being unpatentable over Beach combined with McGregor in further view

Art Unit: 2614

of Larsson et al, U.S. Patent Application Publication No. 2004/0196784 (hereinafter Larsson).

On the issue of claim 21, the combination of Beach and McGregor fails to teach the short distance wireless communication device is configured to communicate via Bluetooth communication. Regardless, Larsson provides this feature (see paragraph 0004). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Beach and McGregor with the wireless technology of Larsson. This modification would have improved the system's flexibility by employing other frequency bands and data encoding schemes as suggested by Beach (see column 7).

#### ***Response to Arguments***

5. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

Art Unit: 2614

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

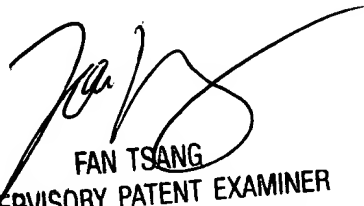
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Art Unit: 2614

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah  
Patent Examiner  
August 10, 2006



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600